

By Personal Delivery and Facsimile

To: Erik S. Bonnar, Acting Field Office Director

Fax: (415) 844-5563

From: California Collaborative for Immigration Justice, Pangea Legal Services, Immigrant Legal Defense, Dolores Street Community Services, California Rural Legal Assistance Foundation

Date: July 11, 2019

Re: Access to Counsel at San Francisco and Stockton ICE Processing Centers

Dear Acting Field Office Director Bonnar:

We represent a coalition of immigration advocates providing pro-bono legal resources in Northern California. Our offices have been involved in providing emergency legal assistance to individuals detained by Immigration and Customs Enforcement (“ICE”) in Northern California. To date we have documented repeated instances in which attorneys were denied access to detainees at ICE processing centers, even with a Form G-28 on file. At this time, we are formally requesting a response to the following concerns:

1. We have heard reports that ICE is currently conducting and/or will be conducting an enforcement operation in Northern California. Please provide details as to any such operation currently taking place and/or currently planned for this region, including but not limited to counties and classes of individuals targeted.
2. Please provide clarity with respect to ICE’s processing protocols for those detained in Northern California, e.g., which individuals are processed at 630 Sansome Street versus the Stockton ICE Processing Center or other processing centers?
3. We are prepared to provide *pro bono* legal consultations to any and all individuals detained by ICE during these operations. We request that all detainees be provided notice and opportunity to take advantage of our offered pro bono legal services prior to processing and/or transfer from your facility. **We formally request that ICE notify all detained individuals of their right to speak to a free attorney and the availability of free attorneys at this time and to provide accommodations to ensure confidential attorney access.** As you are aware, the regulations provide that, during any examination by an ICE officer, a noncitizen has the right to be represented by an attorney. *See* 8 C.F.R. § 292.5(b); *see also* INA 287(a)(2); 8 C.F.R. § 287.3(a) (providing that noncitizens who are arrested by ICE will be examined by an ICE officer); 5 U.S.C. § 555(b) (providing the right to counsel whenever an individual is compelled to appear before an agency).

4. We have heard reports that some detained individuals may be held in hotels or private spaces. What is ICE's policy on attorney visitation in such private spaces, and what is the protocol for attorneys to access individuals detained in such spaces?
5. On Sunday February 25, 2018, ICE processed individuals at 630 Sansome Street despite the fact that the building was closed. Attorneys responding to arrests that day were told that no access would be granted to individuals being processed at that facility. Recently, we have received reports that ICE conducted operations on Sunday, July 7, 2019, including processing individuals at 630 Sansome Street on that day. What is ICE's policy on attorney visitation for individuals detained on a Sunday, and what is the protocol for attorneys to access individuals detained on a Sunday?
6. Does ICE intend to process individuals at 630 Sansome Street on Sunday, July 14, 2019?
7. We have documented repeated instances of individuals being processed at the Stockton ICE Processing Center being denied access to counsel, including when attorneys have submitted Forms G-28 and made numerous requests for confidential phone calls with detainees, as well as instances of detainees being denied access to call an attorney. What is ICE's policy on access to counsel for individuals being processed at the Stockton ICE Processing Center, and what is the protocol for an attorney to access individuals being processed in Stockton by phone?
8. Will ICE be transferring individuals detained in Northern California out of the Area of Responsibility of the San Francisco Field Office?

Please direct any responses to:

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Thank you for your prompt attention and response to these concerns.

cc: Richard Chang, Assistant Field Office Director
Office of Senator Kamala Harris
Office of Congresswoman Nancy Pelosi